

REMARKS

Claims 1-51 were pending in the instant application as of the issuance of the Office Action mailed on December 16, 2004. Claims 1-51 are subject to a restriction requirement. The Examiner has required restriction between the following inventions in the above-identified application:

SET1:

Groups 1-45, Claims 1-24, drawn to a peptide of general formula VI, classified in class 514, subclass 2, for example.

Groups 1-45 are drawn to formulations comprising one of the 45 compound sequences listed in SEQ ID NOs: 377 and 461-504, having different structures and therefore different functions. These formulations are considered to be patentably distinct one from the other. If any one of Groups 1-45 is elected, as defined by each Group's respective compound, the elected Group will be examined only in so far as it pertains to the elected compound from SEQ ID NOs: 377 and 461-504. For example, if Group 1 were elected, then the group would only be examined insofar as it pertains to the corresponding sequence from SEQ ID NO: 377, or if Invention 45 is elected, then it would be considered only insofar as it pertains to the 45th sequence, i.e., SEQ ID NO: 504.

SET 2:

Groups 46-90, Claim 25, drawn to a method for preparing a medicament using a peptide of the general formula VI, classified in class 514, subclass 2, for example.

Groups 46-90 are drawn to methods of making medicaments using formulations comprising one of the 45 compound sequences listed in SEQ ID NOs: 377 and 461-504, having different structures and therefore different functions. These formulations are considered to be patentably distinct one from the other. If any one of Groups 46-90 is elected, as defined by each Group's respective peptide used, the elected Group will be examined only in so far as it pertains to the elected peptide from SEQ ID NOs: 377 and 461-504. For example, if Group 46 were elected, then the group would only be examined insofar as it pertains to the corresponding sequence of SEQ ID

NO: 377, or if Invention 90 is elected, then it would be considered only insofar as it pertains to the 45th sequence, i.e., SEQ ED NO: 504.

SET 3:

Groups 91-135, Claims 26-41, 43-44, drawn to an assay for identifying candidate substances capable of binding to a cyclin, using a peptide of the general formula VI, classified in class 514, subclass 2, for example.

Groups 91-135 are drawn to an assay for identifying candidate substances capable of binding to a cyclin using a peptide of general formula VI comprising one of the 45 compound sequences listed in SEQ ID NOs: 377 and 461-504, having different structures and therefore different functions. These formulations are considered to be patentably distinct one from the other. If any one of Groups 91-135 is elected, as defined by each Group's respective peptide used, the elected Group will be examined only in so far as it pertains to the elected peptide from SEQ ID NOs: 377 and 461-504. For example, if Group 91 were elected, then the group would only be examined insofar as it pertains to the corresponding sequence of SEQ ID NO: 377, or if Invention 135 is elected, then it would be considered only insofar as it pertains to the 45th sequence, i.e., SEQ ID NO: 504.

Group 136. Claims 42-44, drawn to a method of using cyclin in a drug-screening assay, classified in class 530, subclass 350, for example.

Group 137. Claim 45, drawn to a peptide of formula I, classified in class 514, subclass 14, for example.

Group 138. Claim 46, drawn to a peptide of SEQ ID NO: 1, classified in class 514, subclass 15, for example.

Group 139. Claim 47, drawn to a peptide of SEQ ED NO: 2, classified in class 514, subclass 16, for example.

Group 140. Claim 48, drawn to a peptide of formula III/SEQ ID NO: 3, classified in class 514, subclass 16, for example.

Group 141. Claim 48, drawn to a peptide of formula IV/SEQ ID NO: 189, classified in class 514, subclass 16, for example.

Group 142. Claims 49-51, drawn to a peptide of formula V/SEQ ID NO: 293, classified in class 514, subclass 17, for example.

In response to the Restriction Requirement set forth in the Office Action mailed on December 16, 2004, Applicants hereby elect, with traverse, to prosecute the claims of Group 142 (Claims 49-51, drawn to a peptide of formula V/SEQ ID NO: 293). Applicant's election of the foregoing subject matter is without prejudice to Applicant's rights to pursue non-elected subject matter in other applications.

In accordance with the election of claims 49-51, claims 52-73 have been added to be directed to particular embodiments or variants of formula V/SEQ ID NO: 293 and to place certain aspects of claims 50 and 51 in separate, dependent form. Support for new claims 52-73 can be found throughout the specification (for example, on pages 32-39 of the specification) and in the claims as originally filed (for example, claims 50 and 51). In addition, claim 50 has been amended to correct minor, inadvertent typographical and/or grammatical errors while claim 51 has been amended in light of the introduction of new claims 57-68. No new matter is introduced by these amendments.

In addition, claims 1-48 have been cancelled without prejudice to their inclusion in a subsequently filed application.

SUMMARY

Applicants respectfully submit that the above-identified application is in condition for allowance. If a telephone conversation with Applicants' attorney would expedite prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Dated: June 16, 2005

Respectfully submitted,

By 

Cynthia L. Kanik, Ph.D.

Registration No.: 37,320

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney/Agent For Applicant